



**SPECIAL MEETING OF THE COMMON COUNCIL
MIDDLETOWN, CONNECTICUT
December 9, 2010**

Special Meeting	A special meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building, on Thursday, December 9, 2010 at 6 p.m.
Present	Mayor Sebastian N. Giuliano, Deputy Mayor Joseph E. Bibisi, Council Members Thomas J. Serra, Vincent J. Loffredo, Ronald P. Klattenberg, Philip J. Pessina, Gerald E. Daley, Robert P. Santangelo, Hope P. Kasper, Councilman James B. Streeto, Grady L. Faulkner, Jr., Deborah A. Kleckowski, and David Bauer, Sergeant-at-Arms Acting Deputy Chief of Police Gregory Sneed, and Council Clerk Marie O. Norwood.
Absent	Council Members Ronald P. Klattenberg, Deborah A. Kleckowski and Corporation Counsel William Howard
Also Present	Twenty-five members of the public.
Meeting Called to Order	The Mayor calls the meeting to order at 6:11 p.m. and leads the public in the Pledge of Allegiance.
Call of Meeting Read	The Call of Meeting was read and accepted. Mayor Giuliano declares the Call a Legal Call and the Meeting a Legal Meeting.
Workshop Opens	<p>The Chair opens the workshop at 6:13 p.m. He welcomes Chris Holden as presenter.</p> <p>Chris Holden Assistant Chief Engineer for Water and Sewer states Guy sends his regrets for not being here; he has the loss of his mother and could not attend. He states this is a workshop on the Connecticut River Stabilization project at the John S. Roth Wellfield. You received the memo from Mr. Russo that ran through the project and why this project is necessary. It is a stabilization on Eastern Drive and a failure on River Road. It has impacted our well field. The erosion has caused a setback, required by the Health Department, which is 50 feet from the water. And two wells are close to that separation distance. Two wells have to be replaced one and three and they have to reestablish the stream bank. If there is further erosion and we don't move forward it puts the well field in jeopardy and will reduce the City's water supply. They have teamed with the Army Corps of Engineers and they have come up with the plan to provide a stable stream bank and provide erosion protection. They want to minimize the environmental impacts that this will incur and they want to make sure the well field meets the minimum separation distance of 50 feet. He shows a slide of the well field and the water treatment plant. He shows the older wells and states the newer ones are on the other side of the plant. He shows a slide of the erosion and he shows the monitoring well that is in the river. They have a clay layer that protects the aquifer and if the test well is damaged, it may cause problems with the well. The Army wants to work with us and they have developed a timeframe. The Army has done its initial document review and technical review. In the beginning of January, they will release the Environment Policy Act document which is necessary for the project and there is a calming period for 30 days and comments may be made during that period. It will be finalized in February and once completed, the Army will submit it and once the study is completed and approved, they will move to the specific design. They will look to apply for permits during May and June. There will be input by the public; they will have many opportunities to do so. They will obtain the State and local permits and will have a partnering agreement with the Army Corp of Engineers in August and by the end of 2011, they will go out to bid and award the contract.</p> <p>The design will consist of the areas shown on the slide, e and h. They will provide fish habitats; any disturbed area, the fish will have a natural area. They will do a riprap toe protection and articulated concrete blocks with vegetation, the fish habitat and additional riprap at both ends of the project. They will add a deflection berm at the end of the project if it is required for the project.</p> <p>He shows a proposed typical cross section of the project that was provided by the Army Corp of engineers. He shows where the river level will come and shows where the well is. The articulated concrete blocks will be on the slopes as part of the stabilization process. It will cost about \$1.6 for the overall project; the Corps is picking up 65% or \$1 million and the City's cost is in the neighborhood of \$572,237. There will be additional fees and requirements so there is a contingency amount in there to bring the bond to \$700,000. The erosion can affect the well field and it is an important project for us.</p>
Noted for the Record:	Councilman Streeto takes his seat at 6:24 p.m.

Mr. Holden asks if there are any questions. The Chair recognizes Councilman Bauer. Councilman Bauer asks for historical reasons, when the wells were constructed, what was the distance from the river. Mr. Holden believes it was 75 feet. Councilman Bauer asks when they tripped the 50-foot minimum. Mr. Holden states when they looked at replacing wells 1 and 3. They did some testing south and they could not produce the water as they are in the area of the current wells. They are restricted in that area so they are on the line to keep separation from the river. Councilman Bauer states he would preface his question that your title is engineer and if you don't feel comfortable answering them, he will look for them. He would like to know the affect of the project. Can we absorb this with the current water rate structure. Mr. Holden states he can't respond to that question. Councilman Bauer states one of the things they learned with discussion of the St. Sebastian School is how competitive construction is; will we get some percentage off the Corps estimate. Mr. Holden responds that is possible; one of the projects they just sent out came in much lower. If they don't have to use the money, they won't. Councilman Bauer asks it is the City's responsibility to pay for the permitting process with the State and local entities; any estimate from past jobs on how much it is. Mr. Holden responds he doesn't know; Mr. Sipperly replies the local fees, there shouldn't be any, but the State's may range from \$1,000 to \$3,000 and we may have to hire a consultant if the State requires benthic symmetry for the bottom of the river. If we have to provide a bottom survey of the river, we can't do that. Councilman Bauer asks with your experience, can you rule out any objections to the project. Mr. Sipperly responds there are environmental groups that watch projects along the river, but this is a no-brainer and the State says you have to maintain 50 feet and we won't maintain it because of the erosion. We can't remove the wells because of the way the aquifer was deposited. Councilman Bauer asks if anyone out there would have a different point of view and care more about fish than the wells. Mr. Holden states the earlier bank stabilization, there wasn't significant opposition. State and Federal fisheries had concerns, but we managed to meet them. Mr. Sipperly states the big thing with fisheries along the stream bank is the temperature of the water and DEP people look to see if there are large trees on the bank and that does provide shade and fish like rocks and shade so the Army Corps in the correspondence will do that and we stated that and they will try to save as many large trees as possible. Those G and H blocks on the slide is to provide a bunker, they will add boulders to add to the habitat for the fish. Councilman Bauer asks about trees messing that up. Mr. Sipperly states yes; it will require maintenance and every two years, the Army does an inspection. The grass and sedges are good, but the debris is cleared.

Noted for the Record

Councilman Serra takes his seat at 6:30 p.m.

Councilman Loffredo states the percentage of water used from the well field is what. Mr. Holden responds 2/3 is of the water is from the well fields. Councilman Loffredo states he would like to discuss the financials with the memo, first page. He states the project direct summary, they indicate the total project of \$1.6 million and that you reported and they backed off that it is a contingency of \$300,000 and looking at the request for the City, clearly our 35% that you have here is reflected in the \$572,000 and you are requesting another 22% and based on what you indicated, that is enormous on top of the Army's contingency and their escalation costs. Why are we adding such contingency costs when the project is presented to us with it included. Mr. Holden states the difference is supposed to cover the acquisition permits, legal fees, and acquisition of the bonding. Councilman Loffredo asks what the contingency will cover. Mr. Holden states during any construction project you run into unknowns. Councilman Loffredo states it is an extraordinary amount without a more detailed breakdown. He doesn't like that. Mr. Holden states if the contingency is not used, it won't be spent.

Councilman Pessina states this stabilization will it allow for changes on the tidal river. Mr. Holden states the design will incorporate tidal changes. Councilman Pessina states what is your estimate on erosion, because the project won't start until 2012. Mr. Sipperly responds it is hard to say; there was a slide with the monitoring well out in the river. That monitor well was 8 feet on shore ten years ago. It depends on the erosion during the spring freshets. He doesn't think severe erosion will occur in a year. Erosion is occurring because it is a high velocity river and it is seasonal. This is the schedule they picked and this is what the Army Corps does and he doesn't think there will be severe erosion between now and when project starts. Councilman Pessina asks whether the flooding is taken into account. Mr. Sipperly responds yes, they are aware that it is in the flood plain. There is and it is common practice, you can't bring in extra fill in a flood plain. You can't fill in more than you remove. They will remove it and they will bring in the same volume of fill. It will be calculated. Councilman Pessina asks the estimated life of the project. Are we looking to protect the aquifers for ten years or more. Mr. Sipperly responds we did not have the discussion of the life expectancy of the design but we can get that information. Councilman Pessina asks if other towns have done this. Mr. Sipperly replies in the 1980s, it was done on Eastern Drive. They have been inspecting it for 20 years and it has not moved and the Army Corps signs off on it every two years. He expects 30 or

40 years. He doesn't know the life of the wells. Councilman Pessina states I want it done right and with that said can any of these fees and is there anything in your present budget that can be moved toward the fees. He shares Councilman Loffredo's concern on the large contingency. Councilman Pessina states you can come back and he wants to be sure that you critically look at contingency on any project in the City.

Noted for the Record

Councilman Faulkner takes his seat at 6:42 p.m.

Councilman Daley states the bond ordinance for public hearing the expected useful life is 20 years and he assumes it will last at least that long and bond ordinances tend to be conservative. We need to do this; we can't put the water supply at risk. With respect to Councilman Loffredo's and Councilman Pessina's concerns on contingency and his understanding of the pro forma project budget is that contingency is for the items listed in the budget, the construction design activities that are the subject of the Army Corps project and how we went from \$572,000 to \$700,000, he refers to the material in the packet and it says on the second page at the bottom at its November meeting the WPCA requested Mr. Russo get approval for \$700,000, for City funding, permits, and those activities are not included in the pro forma budget. Our practice has been and what we are considering tonight is a bond authorization and if we don't need it, we won't issue bonds. I would not over react. To go back to Councilman Bauer's comments, regarding the impact on the water use fees on the budget and I am presuming that was discussed at the WPCA meeting and wonder if Councilman Bauer or Councilman Streeto can enlighten us on that aspect. It is not a question for you, Chris, as the last minute pinch hitter. He is puzzled that Councilman Bauer would raise the question because he is on the board and it was discussed.

Councilman Bibisi states looking at the cross section on the riprap, you are only 15 to 20 feet from the wells in the sand. What impact will that have on the wells. Mr. Holden responds it will not impact water quality coming from the wells. That is pretty close to the current bank. Councilman Bibisi asks if it will be wrapped or loose. Mr. Holden states he is not sure; the specific design is not done yet. Councilman Bibisi asks if there will be an impact down the river, a change in the channel. Mr. Holden states anything is possible but he doesn't think the stabilization will impact upstream or downstream. Councilman Bibisi states the river is sensitive. Mr. Holden responds we are reestablishing the bank that was there historically. Councilman Bibisi asks how it is measured. Mr. Holden states they have surveys done in the area which is how they came up with the bank. Councilman Bibisi states you are comfortable there will not be environmental impact. Mr. Holden responds the Neap study will look at that. Mr. Sipperly comments when you stop erosion in a current, that is a good thing. That erosion would have to be deposited downstream. It will have a positive impact downstream because there will be less sediment downstream. Councilman Bibisi states we are in the silt area but getting into the sand area, where are wells are. Mr. Sipperly states the wells have a steel casing and the water from the well field is below the river. There should be no connection with the river water.

Councilman Streeto states there are no questions on the project, but the Roth Fields produce a very large amount of high-quality drinking water; more than the City needs. Mr. Holden states yes; high quality and high volume. Councilman Streeto states water will be a resource of the future and problematic in many areas and this question is for the Mayor and this body. From a regional standpoint, we have towns around us and don't know about water shortages, but if regionalization may help reduce the costs and we should investigate it over the next few years.

Councilman Serra states he saw the e-mail from Rob Russo to obtain federal sponsor funding, September 2011; he asks if the 65% is guaranteed. He sees the rest of the schedule. Mr. Holden states the 65% has been committed. Councilman Serra asks if that is so or do we have to show our good faith first. Mr. Holden states he believes up front the Army Corp is shouldering the design cost and that funding will be for the construction. When the design is completed, then they will have a better handle on the costs. Once the permits are obtained, they will find what else has to be included in the design and then a final design will be done. Mr. Sipperly states the Army Corps has several funding sources within the US Army and he believes it is a special funding section. That is where the money is coming from. It was already obtained and set aside for these types of projects. Councilman Serra states they can commit money without authorization. Mr. Sipperly believes it is authorized for this project. Councilman Serra asks if we have the \$1.6 million, the 65%. Mr. Sipperly states he believes so. Councilman Serra states we should have it in our documentation. He states the project makes sense. This is the backwards way to do this. He did have questions relative to the contingency fund and I think they were answered. Councilman Loffredo states Councilman Daley pointed out to us the second page of the memo from Guy Russo and he talks about the 35% of the construction costs plus State and local permits and you presented information in the thousands of dollars. Mr. Holden states those might be fees, but to obtain them, there may be other costs like hiring specialists to help us. Councilman Loffredo states he doesn't see the justification for it. Councilman Bauer states there was an estimate and it was the general consensus of the WPCA.

Noted for the Record

Councilman Serra leaves the meeting at 6:59 p.m.

Councilman Bauer continues there were some uncertainties when they tried to whittle it down and he discussed about the permitting and there is the human cost that the City will be responsible for in getting it done. The estimate was just under \$600,000 and I think the WPCA, once they went over the \$500,000 threshold, aimed higher so they are not underestimating for this project. He is certain they won't spend money they don't have to in the process. I still think asking a little more would be prudent. Councilman Streeto states my recollection was that in addition, we were concerned with possible ramifications because of the river where costs could escalate beyond the norm for a project of this magnitude from an environmental standard. The intention was not to come up short since the Water and Sewer budget is under stress and has been for the last two years and they don't have an enormous fund balance and you are trying to avoid an infringement on that. Mr. Holden states there is a possibility that there could be an intervener and additional requirements we have not foreseen at this time. We don't want to be mid-project and have to come to meetings to look to try to get the additional funding. We want to have the funding in place.

Councilman Loffredo states the project has been presented and the memo from Guy doesn't discuss the additional of \$120,000 more for contingency and the justification is lacking.

Councilman Bauer gives some insight by stating one of the recent projects was the Millbrook pump station and we came close and we had a contingency and used every bit of it and juggled \$15,000 from somewhere else and when I approached this, I would rather have the contingency so that they don't have to look for funds to complete the project. When you work around the river, these are popular dumping spots and there are so many unknowns on the waterway, but he thinks the contingency is necessary.

The Chair asks if there is a funding time table. We will bond in the spring and do you expect the entire \$700,000 will be floated. Mr. Holden states he didn't discuss this but a significant amount, and not sure if they will have to deposit the money ahead of construction. The Chair states it will be up for a vote in January. You already said 2/3 of our water comes from the well and the figures he heard is they can produce 1 million gallons a day. Roth can produce about 4 million gallons. Mr. Holden responds it is about 5 or 6 million gallons. The Chair states if we fully develop Roth, it can produce 9 million gallons. Mr. Holden states yes, they have a diversion permit for 9 million gallons. The Chair states the resource is far beyond the City's demands and we could say, if the State of Connecticut were to get into reclassifying Class 2 as potable water supply, the Kleen Energy wells would be potable as well and they can do 14 million gallons a day so Middletown can supply water to a number of other communities. Mr. Holden states yes. The Chair states this is a long term investment.

Workshop Closes

Seeing no further questions from the Council, the Chair closes the workshop 7:08 p.m.

Public Hearing Opens

The Chair opens the public hearing on the \$700,000 bond ordinance at 7:08 p.m. The Chair asks if anyone wants to speak on the proposed bond ordinance, to come forward at this time.

Public Hearing Closes

The Chair, seeing no one wishing to speak on the bond ordinance closes it at 7:09 p.m.

Motion to Adjourn

Councilman Pessina moves to adjourn and is seconded by Councilman Bibisi. The Chair calls for the vote. It is unanimous to adjourn. The Chair declares the meeting adjourned at 7:09 p.m.

ATTEST:

MARIE O. NORWOOD
Common Council Clerk